REMARKS

This response intended as a full and complete response to the non-final Office Action mailed December 2, 2004. In the Office Action, the Examiner notes that claims 2-20, 22-40 and 42-50 are pending, of which claims 2-20, 22-40 and 42-50 stand rejected.

In view of the following discussion, the Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

REJECTIONS

35 U.S.C. §103

Claims 2-20, 22-40 and 42-50

The Examiner has rejected claims 2-40 and 42-50 under 35 U.S.C. §103 as being obvious over Sicher et al. (U.S. Patent No. 6,385,195, issued May 7, 2002, hereinafter "Sicher") in view of Fitch et al. (U.S. Patent No. 6,647,389, issued November 11, 2003, hereinafter "Fitch"). The Applicant respectfully traverses the rejections.

Independent claim 2 (and similarly independent claims 22 and 44), recites:

> "A method for accepting streamed media packets sent from an content provider and converting said streamed media packets to a pulse code modulated (PCM) signal stream, said method comprising the steps of:
>
> receiving, at a first interface, a request for a specified media content available from said content provider, said specified media content comprising at least one of live and archived media content;
>
> establishing, at said first interface and responsive to receipt of said request, a session with said content provider for said requested media content;
>
> transcoding, at said first interface, said streamed media packets received from said content provider, to form a PCM signal stream corresponding to said specified media content; and:
>
> launching, from said first interface, said PCM signal stream onto a network operable to convey said PCM signal stream to a user making said request." (emphasis added).

In the Office Action (page 3), the Examiner contends that element 14 of FIG. 2 of Sicher satisfies each element of the above claim except for "specified media content comprising at least one of live and archived media content." The Examiner then alleges that the Fitch arrangement discloses the missing claim element. Applicant respectfully disagrees.

The Sicher patent is directed to an enhanced internet working function for interfacing digital cellular voice and fax protocols and internet protocols. The Sicher arrangement is directed to an internet working function wherein an enhanced internet work function (EIWF) operates to enable a voice communication (e.g., voice or fax) to be conveyed over an internet protocol (IP) network. The Sicher arrangement receives voice frames via a radio link and maps those voice frames to a corresponding voice-over-IP (VoIP) protocol. If such direct mapping is not possible, then an intermediate PCM or ADPCM conversion is utilized (see column 5, lines 21-35). Thus, the Sicher arrangement is useful for conveying voice data from a calling device to a receiving device via an intervening IP network. All of the disclosure within the Sicher patent is directed toward voice and other conferencing protocols.

The Examiner contends that "Sicher discloses a method for accepting streamed media packets sent from a content provider ...." The Applicant respectfully disagrees. The Sicher arrangement is clearly directed towards voice applications such as telephonic communications or facsimile transmissions. Neither of these communications is a streaming media communication.

The Examiner contends that Sicher teaches "receiving, a first interface, a request for a specified media content available from said content provider ...." The Applicant respectfully disagrees. The Sicher arrangement does not operably receive media content requests. Rather, the Sicher arrangement merely establishes a standard voice communication channel via an IP network rather than a switched circuit network. If any request for media content is made from a content provider, such request necessarily must come from the user of the calling device (e.g., by DTMF selection of data offerings or other voice domain

processing), rather than any particular function within the E-IWF of Sicher. That is, the E-IWF device merely conveys a user's voice (or facsimile transmission or DTMF coding from a telephone keypad) to a receiving device. If the receiving device is a content provider, then, presumably, the user of the calling device may interact in some manner with the receiving device of the content provider and request media content thereby. However, such a functionality is not included within the E-IWF of Sicher and, importantly, such functionality is not contemplated at all within the Sicher patent. Thus, any requests from a user are merely conveyed through the E-IWF without substantive processing (i.e., without any processing other than protocol translation).

The Examiner contends that the E-IWF (element 14, FIG. 2) of Sicher discloses the claimed step of "establishing, at said first interface and responsive to receipt of said request, a session with said content provider for said requested media content .... The Applicant respectfully disagrees. To the extent that any session with a content provider is established, such session is established via user interaction rather than operation of the E-IWF. That is, any establishment of a session is a function transparent to the E-IWF, since such session establishment cannot be performed by the E-IWF. The E-IWF is merely a conduit to enable voice protocol translation between IP networks and standard voice networks.

The Examiner contends that the E-IWF of Sicher teaches "receiving, at said first interface, said streamed media packets corresponding to said specified media content, said streamed media packets being encoded media packets adapted to one of a plurality of encoded streaming media formats ...." Applicant respectfully disagrees. As previously noted, the Sicher arrangement is not used within the context of streaming media, only within the context of voice/fax. Moreover, to the extent that any content is received (e.g., a return fax), such content has not been procured by a session negotiated by the E-IWF.

The Fitch arrangement fails to bridge the substantial gap between the Sicher arrangement and the claimed invention. Specifically, even if the Fitch and

Sicher arrangements could somehow be operably combined (it is respectfully submitted that they cannot be), the resultant combination would still fail to teach the claimed invention.

The Fitch arrangement is directed to a search engine to verify streaming audio sources. That is, within the context of multiple media streams on a network of computers, the Fitch arrangement is adapted to address, via URL, each of a plurality of media streams to determine which of those streams is operating correctly. Those streams that are available may be utilized by users. Stated differently, the Fitch arrangement operates to restrict the choices of a user to those preexisting streams that are functioning correctly.

The Sicher and Fitch arrangements cannot be operably combined. Specifically, the Sicher arrangement is directed to voice-over-IP protocols, whereas the Fitch arrangement is directed towards confirmation of the existence of streaming media streams. The Applicant also notes that any combination of the references would defeat the fundamental purposes of, for example, the Sicher reference (i.e., enabling the use of an IP network to convey communications normally conveyed via a switched circuit network).

Even if the combination of the cited references could somehow be operably made, the resulting combination would still fail to disclose or suggest the claimed steps of

> " receiving, at a first interface, a request for a specified media content available from said content provider, said specified media content comprising at least one of live and archived media content;
> establishing, at said first interface and responsive to receipt of said request, a session with said content provider for said requested media content;
> transcoding, at said first interface, said streamed media packets received from said content provider, to form a PCM signal stream corresponding to said specified media content; and:
> "

In contrast to the above-quoted portion of claim 2, there is no comparable structure as "a first interface" within any combination of the cited references. The Examiner seems to be implying that the E-IWF of Sicher is somehow joined with

the streaming media verification of Fitch to provide thereby a session-based stream selection and retrieval system utilizing PCM transcoding. As discussed above, such session establishment and streaming media functionality is simply not contemplated by Sicher. Even if somehow Fitch could be considered as supplying all of the missing teachings of Sicher, multiple functional units or devices would be needed to implement such an arrangement. In the end, Fitch is adapted to a quality assurance function in an IP network, while Sicher is adapted to a voice protocol transcoding function. The references are not combinable and any hypothetical combined arrangement would still not teach the invention.

Therefore, for at least the reasons discussed above, it is respectfully submitted that independent claim 2 is patentable over the cited references. Moreover, since independent claims 22 and 44 recite similar limitations, it is respectfully submitted that these claims are also patentable over the cited references. Finally, since all of the dependent claims depend, either directly or indirectly, from claims 2, 22 or 44, it is respectfully submitted that all these dependent claims are also patentable over the cited references.

RESPONSE TO EXAMINER'S COUNTER-ARGUMENT

The Examiner contends that "Sicher discloses the Applicant's claimed invention by showing "a method for accepting streamed media packets sent from a content provider (using the radio base station 17 of FIG. 1) and converting it to a pulse code modulated signal stream comprising ...." Referring to FIG. 1, it is noted that the radio base station 17 is in radio communications with a mobile station 15 via radio frequency transmission and a mobile switching center via cables, microwave links or other means. It is noted that all conversions from PCM to a voice-over-IP format are performed by the E-IWF 14 within the Sicher arrangement. Therefore, the Examiner's contention that the base station 17 performs a conversion between some digital format and a PCM signal stream is incorrect. Specifically, at the bottom of column 4 in Sicher it is noted that the

E-IWF 14 provides the internet working necessary to translate from the specialized air-interface encoding methods directly to the voice-over-IP encoding utilized for data transmissions over the internet. Voice-over-IP is not streaming media.

The Applicant respectfully submits that the Examiner is reading the functionality of various elements within the Sicher arrangement in an extremely broad manner which is unsupported by the teachings within the Sicher patent. PCM conversions of data frames does not equate to the claimed streaming media structures. The above discussion with respect to claim 2 addresses the Examiner's additional points.

CONCLUSION

Thus, the Applicant submits that the pending claims are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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